

05-08-01

Case No.	19892DB
Examiner	J. Reamer
Art Unit	1614

H3A  
7/10/01

05/07/01

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Assistant Commissioner for Patents  
Washington, D.C. 20231

Prior Application:

Sir: This is a request for filing a  Continuation  Divisional application, under 37 C.F.R. 1.53(b), of pending application Serial No. 09/458,168 filed on December 9, 1999 of Louis Crocker and James McCauley (DATE) (INVENTOR)

for POLYMORPHIC FORM OF A TACHYKININ RECEPTOR ANTAGONIST (TITLE OF INVENTION)

1. The enclosed comprises a copy of prior application Serial No. 09/458,168, as filed on December 9, 1999. The entire disclosure of this prior application is hereby incorporated by reference.
2. The filing fee is calculated below:

## CLAIMS AS FILED IN THE PRIOR APPLICATION, LESS ANY CLAIMS CANCELED BY AMENDMENT BELOW

FOR	NUMBER FILED	NUMBER EXTRA	RATE	Fee
Total Claims	13	-	20	0
Independent Claims	1	-	3	0
Multiple Dependent Claims				x \$270
Basic Fee (minimum amount required)				\$710
Add this fee if application contains any multiple dependent claims, regardless of number.				\$710 Total Fee

3. The Assistant Commissioner is hereby authorized to charge any fees which may be required or to credit any overpayment to Account No. 13-2755.

4.  Amend the specification by inserting before the first line the sentence:

-- This is a  continuation,  division of application Serial No. 09/458,168

*AL* -- This is a continuation,  division of application Serial No. 09/212,511, filed December 9, 1999, US Patent 6,229, c10, which is a division of application Ser. No. 09/151,198, now U.S. Pat. No. 6,024,942 and claims benefit of Provisional application Ser. No. 60/051,600, filed Jul. 2, 1997

5.  Cancel in this application original claims: 14-20

6.  Preliminary amendment enclosed.

7.  Information Disclosure Statement/PTO-1449 enclosed.

- 8a.  Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file.

- 8b.  New formal drawings are enclosed.

- 9a.  Priority of application Serial No. \_\_\_\_\_, filed \_\_\_\_\_, in \_\_\_\_\_ is claimed under 35 U.S.C. 119.

(COUNTRY)

- 9b.  The certified copy of the priority application has been filed in prior application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.

10.  The prior application is assigned to Merck & Co., Inc.

11.  The undersigned attorney or agent has:

- a.  Power in the prior application as originally filed.
- b.  Associate power, copy enclosed.

Respectfully,



By: J. Eric Thies

Attorney for Applicant(s)

Registration No. 35,382

Telephone: (732) 594-3904

Address: Merck & Co., Inc.  
Patent Department  
P.O. Box 2000 - RY60-30  
Rahway, N.J. 07065-0907

Date: May 7, 2001

## EXPRESS MAIL CERTIFICATE

DATE OF DEPOSIT May 7, 2001

EXPRESS MAIL NO. EL523908322US

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS EXPRESS MAIL "POST OFFICE TO ADDRESSEE" ON THE ABOVE DATE IN AN ENVELOPE ADDRESSED TO ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.

MAILED BY *Linda Zehner* DATE 05/07/01

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